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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Pierre Malek

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EXAMINER

ALLEN, JEFFREY R

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,369	<b>Applicant(s)</b> MALEK, PIERRE	
	<b>Examiner</b> JEFFREY ALLEN	<b>Art Unit</b> 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/23/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the lines in the drawings are not clean and well-defined (37 CFR 1.84(l)). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

Claim 13 is objected to because Examiner believes that line 3 should read, in part, "in said at least one recess". Appropriate correction or clarification is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitation "the lid" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 13 recites the limitation "the edges" in line 2. Claim 14 recites the limitation "said edges" in line 2. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,379,631 to Wu (Wu).

Wu teaches:

In Reference to Claim 1

A tool stowage device for stowing tools (abstract) , said device comprising a container (72) serving to receive said tools and closure means (76) complementary to said container, said closure means also being means for taking hold of the container (the lid can be used to take hold of the container), said tool stowage device being characterized in that said closure means comprise a horizontal plane portion (80) and at least two vertical flanges (86), said vertical flanges serving as means for taking hold of the container and co-operating with said plane portion to form unclipping opening means that are actuated by pressing on said vertical flanges as if pressing on a clothes peg (Fig.6 the flanges are pressed in like a clothespin to realease).

In Reference to Claim 3

A tool stowage device according to claim 1 (see rejection of claim 1 above), wherein said plane portion serves as means for expelling said container during opening by unclipping (plane portion serves as a means for expelling the container during opening by unclipping to the degree applicant claims).

In Reference to Claim 7

A tool stowage device according to claim 1 (see rejection of claim 1 above), wherein said container is provided with at least one orifice (32) in one of its closed faces (the bottom of the container is closed off by the lid and thus it is a closed face).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of U.S. Patent No. 5,525,314 to Hurson (Hurson).

Wu teaches a tool stowage device according to claim 1 (see rejection of claim 1 above), but fails to specifically teach wherein said tools are drill bits, reamers, pivots, or dental implants.

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Hurson teaches that it is known in the art that medical instruments can comprise dental implantation tools (col. 1, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used dental implantations within the container of Wu since Hurson teaches that these are known medical instruments.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of U.S. Patent No. 5,732,820 to Tsai (Tsai).

Wu teaches a tool stowage device according to claim 1 (see rejection of claim 1 above), but fails to teach wherein each of said vertical portions of said lid presents non-slip means over at least a portion of its surface.

Tsai teaches that it is known in the art to manufacture a container that has non-slip means on a portion of its lid surface (col. 2, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the vertical portions of the container of Wu with non-slip means, as taught by Tsai, in order to make the container easier to open and hold.

Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,615,461 to Liu (Liu) in view of Wu.

In Reference to Claim 1

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Liu teaches a tool stowage device for stowing tools (Fig. 2), said device comprising a container (1) serving to receive said tools and closure means (2) complementary to said container, said closure means also being means for taking hold of the container (the lid can be used to take hold of the container), said tool stowage device being characterized in that said closure means comprise a horizontal plane portion. Liu fails to teach at least two vertical flanges, said vertical flanges serving as means for taking hold of the container and co-operating with said plane portion to form unclipping opening means that are actuated by pressing on said vertical flanges as if pressing on a clothes peg.

Wu teaches that it is known in the art to secure a lid (76) on a container (72) with vertical flanges (86), said vertical flanges serving as means for taking hold of the container and co-operating with said plane portion to form unclipping opening means that are actuated by pressing on said vertical flanges as if pressing on a clothes peg.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the securing means of Liu (seen in Fig. 3-A) with vertical flanges, as taught by Wu, in order to make the cover more secure on the container while at the same time making the container easier to operate.

#### In Reference to Claim 4

The modified container of Liu teaches a tool stowage device according to claim 1 (see rejection of claim 1 above), wherein said container is provided, on at

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least an open one of its faces, with at least two tongues (11) serving to engage in slideway means (23).

In Reference to Claim 5

The modified container of Liu teaches a tool stowage device according to claim 4 (see rejection of claim 4 above), wherein said tongues are of width enabling them to receive inscriptions.

In Reference to Claim 6

The modified container of Hurson teaches a tool stowage device according to claim 4 (see rejection of claim 4 above), wherein said container presents a female portion (11), and the lid presents a male portion (23), said male portion being designed to engage in said female portion when the device is closed, and to serve as means for blocking sliding of the lid relative to the container while the device is being opened by sliding (the portions prevent the lid from sliding in an upwards direction).

Claims 1, 8-10 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,671,943 to Wahlquist (Wahlquist) in view of Wu.

In Reference to Claim 1

Wahlquist teaches a tool stowage device for stowing tools (abstract) , said device comprising a container (30) serving to receive said tools and closure means (40) complementary to said container, said closure means also being means for taking hold of the container (the lid can be used to take hold of the



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container), said tool stowage device being characterized in that said closure means comprise a horizontal plane portion. Wahlquist fails to teach at least two vertical flanges, said vertical flanges serving as means for taking hold of the container and co-operating with said plane portion to form unclipping opening means that are actuated by pressing on said vertical flanges as if pressing on a clothes peg.

Wu teaches that it is known in the art to secure a lid (76) on a container (72) with vertical flanges (86), said vertical flanges serving as means for taking hold of the container and co-operating with said plane portion to form unclipping opening means that are actuated by pressing on said vertical flanges as if pressing on a clothes peg.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the container of Wahlquist with the vertical flanges taught by Wu, in order to make the cover more secure on the container so that tools stay in place during use.

#### In Reference to Claim 8

The modified container of Wahlquist teaches A tool stowage device according to claim 1 (see rejection of claim 1 above), wherein said lid is made of a transparent material (col. 6, lines 20-24).

#### In Reference to Claim 9

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The modified container of Wahlquist teaches a tool stowage device according to claim 1 (see rejection of claim 1 above), wherein said lid is made of a plastics material (col. 6, lines 20-24).

In Reference to Claim 10

The modified container of Wahlquist teaches a tool stowage device according to claim 1 (see rejection of claim 1 above), wherein said lid is made of a semi-rigid material (col. 6, lines 25-26).

In Reference to Claim 12

The modified container of Wahlquist teaches a box (10) provided with an opening/ closure system (a cover [20] cooperates with the box and a latch member [26] to create an opening/closure system), having at least one recess (Fig. 3) serving to receive a device according to claim 1 (see rejection of claim 1 above).

In Reference to Claim 13

The modified container of Wahlquist teaches a box according to claim 12 (see rejection of claim 12 above), wherein the edges (35) of said container are means for retaining the container in said recesses (Fig. 3).

In Reference to Claim 14

The modified container of Wahlquist teaches a box according to claim 12 (see rejection of claim 12 above), wherein said edges (35) present raising means for raising the container relative to the surface of said box (Fig. 3).

In Reference to Claim 15

The modified container of Wahlquist teaches a box according to claim 12 (see rejection of claim 12 above) wherein each of said vertical portions of said lid has a bottom portion (Wu Fig. 6, 108) that is circularly arcuate in shape (col. 8, lines 56-57).

In Reference to Claim 16

The modified container of Wahlquist teaches a box according to claim 12 (see rejection of claim 12 above), wherein said bottom portions (108) of said vertical portions are of length less than or equal to the depth of said container (Wu, Fig. 6).

In Reference to Claim 17

The modified container of Wahlquist teaches a box according to claim 12 (see rejection of claim 12 above) wherein said box is provided with at least one orifice (13) in one of its faces.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY ALLEN whose telephone number is (571)270-7426. The examiner can normally be reached on Monday through Friday 7:30 AM TO 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Bomberg can be reached on (571)272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. A./

Examiner, Art Unit 4137

/Kenneth Bomberg/

Supervisory Patent Examiner, Art Unit 4137